

BILL NO. Z-87- 08-10

ZONING MAP ORDINANCE NO. Z- 25-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-26.


BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a POD (Professional Office) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lot #43, Sanibel Acres, Section B

and the symbols of the City of Fort Wayne Zoning Map No.
R-26, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Resolutions (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.

DATE: 8-11-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 9-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-25-87
on the 22nd day of September, 19 87

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 23rd day of September, 19 87
at the hour of 11:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of September
19 87, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

CK # 5539

No 2712

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-15 1987

RECEIVED FROM

Ray Herman + Assoc. \$ 50.00

THE SUM OF

fifty 00/100 DOLLARS
3315 June 1st

ON ACCOUNT OF

reopening

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____ POD _____

THIS IS TO BE FILED IN DUPLICATE

X/We GARY LEMAN and PAUL STEMAN

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an POD District the property described as follows:

Lot 43, Sanibel Acres, Section B

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: Approximately

3315 Trier Road, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

X/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

PAUL STEMAN (Owner)

1000 E. Chicago Road
Sturgis, Michigan 49091

GARY LEMAN (Buyer)

2220 Lake Avenue
Fort Wayne, Indiana 46805

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

CHARLES R. COGDELL, ESQ.

1400 One Summit Square
Fort Wayne, Indiana 46802

(219) 423-9441

(Name)

(Address & Zip Code)

(Telephone Number)

Livingston Dildine Haynie & Yoder

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-08-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1987.

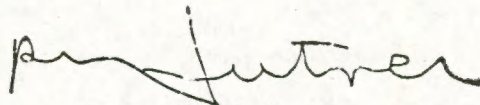
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1987.

Certified and signed this
9th day of September 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 3315 Trier Road (Approximately)

3-87-08-10

EFFECT OF PASSAGE _____ Property is presently zoned R-1 - Single Family Residential.
Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE _____ Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to POD

DETAILS

<p>Specific Location and/or Address</p> <p>3300 Block of Trier Road (Northeast corner of Trier & Hobson)</p>
<p>Reason for Project</p> <p>New Office Building</p>
<p>Discussion (Including relationship to other Council actions)</p> <p>17 August 1987 - Public Hearing</p> <p>See Attached for Minutes of Hearing</p> <p>24 August 1987 - Business Meeting</p> <p>Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.</p> <p>Of the 8 members present 7 voted in favor of the recommendation one (1) did not vote.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	<p>City Wide</p> <p>Other Areas</p>
Applicants/Proponents	<p>Applicant(s)</p> <p>Gary Leman/Paul Steman City Department</p> <p>Other</p>
Opponents	<p>Groups or Individuals</p> <p>Allen Hope, 3828 Hobson Rd Steve Morrell, 4030 Capti</p> <p>Basis of Opposition</p> <p>-would create water runoff problem -already properly zoned land in area for offices</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)</p>
CITY COUNCIL ACTIONS (For Council use only)	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</p>

DETAILS**POLICY/PROGRAM IMPACT****Policy or
Program
Change**☐

No

☐

Yes

**Operational
Impact
Assessment**

(This space for further discussion)

Project Start**Date** 15 July 1987**Projected Completion or Occupancy****Date** 9 September 1987**Fact Sheet Prepared by**

Patricia Biancaniello

Date 9 September 1987**Reviewed by****Date****Reference or Case Number**

- a. Change of Zone #290
From R-1 to POD
3315 Trier Road

Chuck Cogdell, attorney representing the petitioner, Gary Leamon. He stated that Mr. Leamon owns the corner lot and when he purchased it, in 1983, the county had jurisdiction and Mr. Leamon successfully had the property rezoned to a POD designation. He stated that he had been attempting since then to purchase Lot 43. He stated he has just recently had the opportunity to purchase the lot and is doing so subject to the property being rezoned. He stated that the plat restrictions for Sanibel Acres, which Lot 43 is a part of, do prohibit the use of the Lots for anything other than residential purposes. He stated however Mr. Leamon had personally carried an amendment to the restrictive covenants to the owners of each and every lot in Sanibel Acres. He stated that the amendment to the plat restriction is the authorization to utilize Lot 43 for any use allowed in a POD. He stated that they have well over the 65% of property owners signing the amendment, almost 95% of the property owners have signed. He stated that this development would work as a buffer in the area. He stated that the adjoining property owners have consented to the zoning change.

Steve Morrell, 4030 Captiva Drive, appeared in opposition to the proposed rezoning. He stated that he was opposed to any POD within the area of Sanibel Acres. He stated that he felt there was plenty of office space on the southwest corner and also 1/4 mile to the north. He stated there is also a new office development going up on Coliseum Blvd.

Mr. Leamon the petitioner stated that the adjacent property owners stated that they would be delighted to have the property rezoned to a POD and to have the drive 20 feet west of their property so that people would be turning around in his drive and not theirs.

Chuck Cogdell stated the corner lot is already zoned POD and all

they are asking for is an extension of that POD zoning.

Chuck Cogdell is speaking to the preliminary development plan for 3315 Trier Road showed an artists rendering to the Commission of the proposed office building. He stated that this building would be the type of architecture that the POD classification has in mind in the sense that it offers a transitional type of construction from the outright commercial type of architecture, which would make it the easy transition into the residential type of architecture. He stated that the drainage system has been worked out and is very complete. He stated that if Lot 43 is rezoned it will allow Mr. Leamon to construct the entranceway that much further east of the intersection of Hobson and Trier Roads.

Mel Smith questioned what the height of the building would be.

Bill McAllister the architect stated that it is 8' 10" to the eave and another 4' above the eave. He stated it is a single story structure.

Baron Biedenweg questioned if there were sidewalks presently along Trier Road or if they would be putting them in.

Mr. Leamon stated they do not exist they would be putting them in.

Allen Hope, 3828 Hobson Road, appeared in opposition to the development plan. Mr. Hope stated that he opposed the original rezoning when it was before the County Plan Commission. He stated that they are concerned with the drainage from the property. He stated there is a minor problem there presently and if he builds there this will increase the problem. He stated that the neighbor next to him has a pool and a privacy fence and this building would overlook the privacy fence. He stated that he is also asking for a variance from the required 40' setback to 15'. He stated that he felt this setback variance should not be granted. He felt that the vacating of the utility easement would be a burden on the neighbors by requiring the utility companies to cross their properties and perhaps remove fencing to do so. He stated that there is already vacant property within the city limits zoned for business that he could utilize for an office. He stated that Mr. Leamon has not developed the property on the corner since it was rezoned and felt the city should revoke the business zoning.

Mr. Leamon stated that when he purchased the lot that is presently zoned POD he was under the impression he was purchasing Lot 43 also. He stated that Lot 43 has been tied up in an estate

for 6 years it has just recently been made available for purchase. He stated when they started their development plan work they were encouraged by Traffic and Street Engineering to purchase Lot 43 because of the safety factors of putting in the entrance. He stated that the drainage problem from this property will be helped by this development and not hindered. He stated that presently there is a lot of drainage to the north with the development and the drainage system planned for the property there will not be any runoff it will all be carried away in tiles.

Mel Smith questioned the need for vacating the easement.

Mr. Leamon stated that if he puts his entrance at Lot 43 they will have to cross the easement. He stated that he owned the corner lot and there will be plenty of room for the utilities to gain access from Hobson without impeding anyone's fence. He stated that they have spoken with the Landscape Architect about putting in the proper shrubbery so they would not be overlooking the property next door.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-87-08-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the City of Fort
Wayne Zoning Map No. R-26

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 9-22-87

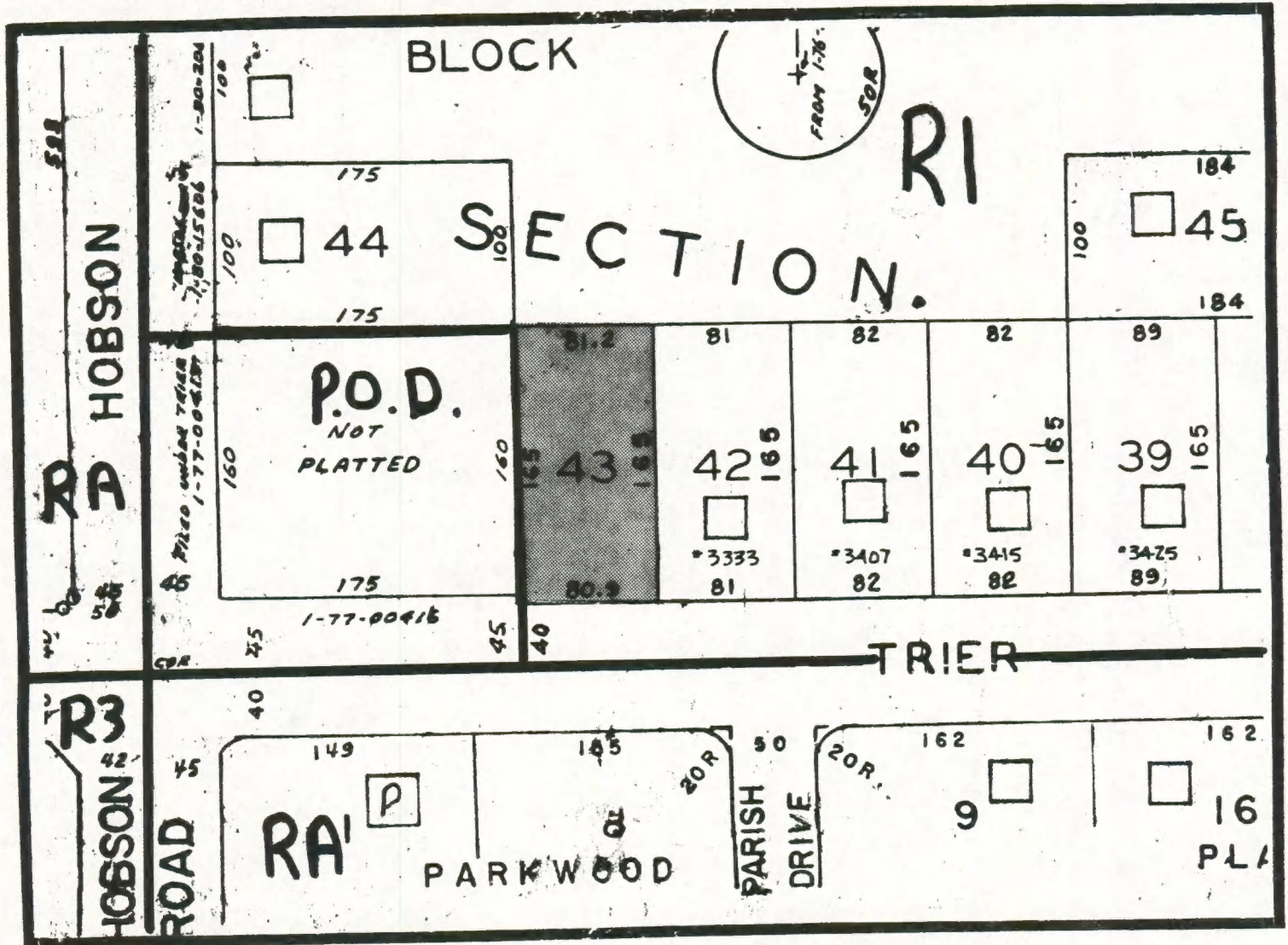
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #290

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. R-26

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
 R3 RESIDENTIAL DISTRICT
 RA RESIDENCE 'A'
 P.O.D. PROFESSIONAL OFFICE DISTRICT

LAND USE:

☐ SINGLE FAMILY
☐ PUBLIC-CHURCH

SCALE: 1"=100'

DATE: 7-29-87

